

REMARKS

Claims 1-18 are remaining in this application. Claims 19 and 20 have been canceled.

The title has been amended as required by the Examiner. The specification has been amended to correct minor grammatical informalities. No new matter has been added.

The drawings stand objected to under 37 C.F.R. §1.83(a). The Office Action states that both a first controller and a second controller “must be shown in the drawings.” Both the first and second controllers are, in fact, shown in Fig. 1 as MPU 12, which performs the functions of first and second controller. This is described in the specification in connection with the flow charts of Figs. 12-15, for example. Accordingly, Applicants respectfully submit that corrections to the drawings are not necessary.

Claims 1 and 10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Takayuki (JP Pub. No. 200207815 A). Applicants respectfully traverse this rejection because the cited reference does not disclose or suggest at least the features for increasing the rotational speed of an optical recording medium as in the present invention.

As described in claims 1 and 10, the rotation control method and apparatus includes features for decreasing the rotational speed and increasing the rotational speed when the read or write margin becomes greater than or equal to a second predetermined value, or when the frequency of generation of the servo abnormality of the tracking servo and/or the focus servo is less than or equal to a second predetermined frequency.

Takayuki discloses an optical disk reproducing device which decreases the rotational speed of a spindle motor 20 if a tracking error which exceeds a preset tolerable amount is generated at a specified rotational speed of the spindle motor. Thus, the reference merely discloses decreasing the rotational speed based on tracking error signal. It does not explicitly disclose at all any means for increasing the rotational speed of the motor. The Examiner appears to recognize this and states that Takayuki “inherently has mechanism to increase or decrease the speed”(emphasis added). Even assuming that Takayuki inherently has some mechanism for increasing the speed, it certainly does not describe, either inherently or expressly, the particular manner in which the speed of the motor is increased as described in the claims. In other words, Takayuki does not disclose or suggest, expressly or inherently, the features for increasing the rotational speed when the read or write margin becomes greater than or equal to a second predetermined value, or when the frequency of generation of the servo abnormality of the tracking servo and/or the focus servo is less than or equal to a second predetermined frequency, as specifically called for in claims 1 and 10.

Moreover, Applicants respectfully disagree that the Takayuki et al. reference even inherently discloses the features for increasing the speed of the motor, and request that the Examiner provide extrinsic evidence of such inherency. See MPEP §2131.01, Section III.

Claims 2-9 and 11-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takashita (U.S. Pat. No. 6,556,524) in view of Takayuki. Applicants respectfully traverse this rejection because the cited references, even if combined, still would

not disclose or suggest the features for decreasing and increasing the rotational speed of an optical recording medium as discussed above with respect to claims 1 and 10.

The Takashita reference merely proposes an optimum power control which changes the recording speed and the laser power level. It does not disclose or suggest the features discussed above that are missing from the Takayuki reference. Accordingly, even if combined, the references still would not disclose or suggest the features for decreasing and increasing the rotational speed, as in the present invention. For this reason, claims 2 and 9, and claims 11-18 which depend from independent claims 1 and 10, are also allowable over Takayuki and Takashita.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. The Examiner should contact Applicants' undersigned attorney if a telephone conference would expedite prosecution.

Respectfully submitted,

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